

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

In re Application of CATERPILLAR CRÉDITO,
SOCIEDAD ANÓNIMA DE CAPITAL
VARIABLE, SOCIEDAD FINANCIERA DE
OBJETO MÚLTIPLE, ENTIDAD
REGUALADA for an Order Pursuant to 28
U.S.C. § 1782 Granting Leave to Obtain
Discovery for Use in a Foreign Proceeding

Misc. Proc. No. 1:22-mc-00273-JGK-BCM

**DECLARATION OF JONATHAN D. LUPKIN IN SUPPORT OF
PARTIES IN INTEREST CAROLINA VARADY DE BELLOSTA AND CARLOS
BELLOSTA PALLARES'S RESPONSE AND OBJECTIONS TO PETITIONER'S
APPLICATION FOR DISCOVERY PURSUANT TO 28 U.S.C. § 1782**

JONATHAN D. LUPKIN declares and says, pursuant to 28 U.S.C. § 1746 as follows:

1. I am the founding member of Lupkin PLLC, attorneys for Parties in Interest Carolina Varady de Bellosta and Carlos Bellosta Pallares (the "Bellostas"). I submit this declaration in support of the Bellostas' Response and Objections ("Opposition") to Petitioner Caterpillar Crédito, Sociedad Anonima de Capital Variable, Sociedad Financiera de Objeto Multiple, Entidad Regulada's ("CAT's") Application for Discovery Pursuant to 28 U.S.C. § 1782 (Dkt. 1).

2. Attached hereto as **Exhibit 1** is the Declaration of Carlos Jose Bellosta filed in support of the Bellostas' Opposition.

3. Attached hereto as **Exhibit 2** is a true and correct copy of the Complaint filed by CAT in the Southern District of Florida, Case No. 22-cv-23009.

4. Attached hereto as **Exhibit 3** is a true and correct copy of the Complaint filed by Caterpillar Financial Services Corporation in the Southern District of Florida, Case No. 22-cv-23002.

5. Attached hereto as **Exhibit 4** is a true and correct copy of relevant portions from the *Ex Parte* Application and Memorandum of Law for an Order Pursuant to 28 U.S.C. § 1782 Granting Leave to Obtain Discovery for Use in a Foreign Proceeding filed by CAT in the United States District Court for the Western District of Washington, Case No. 22-mc-0075-RSL (“Washington Action”).

6. Attached hereto as **Exhibit 5** is a true and correct copy of the November 6, 2022 Order on the Bellostas’ Emergency Motion for a Temporary Restraining Order filed in the Washington Action.

7. Attached hereto as **Exhibit 6** is a true and correct copy of relevant portions of CAT’s Opposition to the Bellostas’ Motion for Temporary Restraining Order filed in the Washington Action.

8. Attached hereto as **Exhibit 7** is a true and correct copy of CAT’s *Ex Parte* Application Pursuant to 28 U.S.C. § 1782 Granting Leave to Obtain Discovery for Use in a Foreign Proceeding filed by CAT in the United States District Court for the District of Puerto Rico, Case No. 22-mc-0568-SCC.

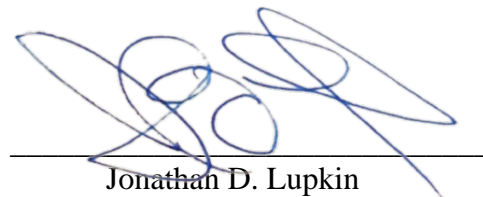
9. Attached hereto as **Exhibit 8** is a true and correct copy of CAT’s *Ex Parte* Application Pursuant to 28 U.S.C. § 1782 Granting Leave to Obtain Discovery for Use in a Foreign Proceeding filed by CAT in the United States District Court for the District of Delaware, Case No. 22-mc-00412-GBW.

10. Attached hereto as **Exhibit 9** is the Declaration of Rogier van den Heuvel filed in support of the Opposition and supporting exhibits thereto.

11. Attached hereto as **Exhibit 10** is a true and correct copy of the November 16, 2022 Protective Order entered in the Washington Action.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York
December 12, 2022



Jonathan D. Lupkin